
Subject Matter Index

A

Acquittal

effect on civil action 301

Adjournment 158–159

Allocation of Offender Payments 258–261

Anatomically Correct Dolls 163

Appeals

notification of victim 120
rights following reversal 121
victim standing 18–21

Arrest

notification of victim 107–108

Assaultive Crimes

bond 61
juvenile diversion 38
setting aside conviction or adjudication 36–38

B

Battered Child Syndrome 177

Bond

conditions to protect victim 55–59
Crime Victim's Rights Fund assessment 28
duration of conditions 58
interim bond 53–54
juveniles 59–61
LEIN 58
pending appeal 61, 121
restitution 248
violation of condition 58–59

Buttons Worn by Spectators at Trial 193–194

C

Character Evidence 170–175

homicide victim 170
sexual assault victim 170–175

Child Abuse

battered child syndrome 177
expert testimony 180–182
protections to allow testimony 161
sexual assault 5
speedy or expedited trial 158

Child Victim-Witnesses

corroboration of statement describing sexual act 189–190
protections to allow testimony 160–167

Citation

statement of damage or injury 110–111

Civil Actions

after criminal or delinquency case 301–302
by sexual assault defendant 308
compensatory damages and restitution 258, 307
double jeopardy 302
exemplary damages and restitution 308
parental liability 300–301
personal protection orders 301
privilege against self-incrimination 305–307
restitution 241
setting aside conviction or adjudication 302
standard of proof 301–302
stay pending outcome of criminal proceeding 306–307
torts 296–297
use of judgment of sentence 303–305
use of order of adjudication 300
use of pleas in criminal cases 304
use of testimony from juvenile proceedings 305

Closed-Circuit Television 165–167

Communicable Disease Testing 132–135

Commutation 208

Compensation

- accomplices 275
- appeals 286–287
- application form 289
- attorney fees 287–288
- authority of CVSC 277–278
- burden and standard of proof 278, 285
- confidentiality 90, 288
- coordinating restitution 261
- crime 271
- criminal action pending 277
- criminally responsible for crime 274–275
- dependent 272
- disability benefits 282
- eligible expenses 273–274
- eligible individuals 270–272, 274–275
- emergency awards 277
- evidentiary rules 285
- filing requirements 276–277
- final decision on claim 285–286
- fraudulent claims 288
- funeral expenses 274, 283
- grief counseling 283
- hearing 285
- imprisoned victims 275
- initial decision on claim 283–284
- intervenor 272
- investigation requirements 277–278
- jurisdiction of CVSC 275
- lost earnings 283
- maximum award 283
- medical expenses 273, 274
- minimum loss required 271
- minor victims 276
- misconduct of victim 280–281
- noncooperation of victim or claimant 279–280
- out-of-pocket loss 273–274
- payment of awards 282
- personal physical injury 272
- psychological counseling 273, 283
- reduction of award 282
- reimbursement by offender 289
- religious healing methods 273
- replacement services 273
- report of decision 284, 286
- request for hearing 284–285
- request for review by commission 284–285
- restitution 258
- review by commission 285
- serious financial hardship standard 278–279
- standard of review 287
- subrogation 288–289
- support 272, 274, 283

- time requirements for reporting crime 272–273
- unjust enrichment of offender 275
- victim 272

Competency of Victim-Witnesses 159–160

Complaint

- statement of damage or injury 110–111

Consent Calendar

- limitations on use 97–98

Constitutional Rights of Victim 16–17

- attend court proceedings 156
- confer with prosecuting attorney 92
- dignity and privacy 76
- notification 106
- protection from accused 52
- restitution 232
- victim impact statement 196

Consultation with Prosecuting Attorney

- before trial 101
- consultation defined 99–100
- criminal cases 92–93
- informal juvenile disposition 111–112
- juvenile delinquency cases 99

Contempt of Court

- interfering with witness 73–74
- violation of release condition 59

Continuance 158–159

County Juvenile Agency 39

Courtroom

- excluding persons to protect witnesses 165
- rearranging to protect witnesses 164–165

Crime Victim Services Commission 24

- confidentiality 90

Crime Victim's Rights Act

- applicability 34–35, 110–111
- elements 35–36
- Public Act 503 of 2000 235

Crime Victim's Rights Fund Assessment 24–28

- allocation of offender payments 258–261
- transmittal to Department of Treasury 28, 29

Cross-Examination

- civil suit by victim 170
- pro-se defendant 167–169

D

Defendant 39

- misconduct rendering witness unavailable at trial 191–192
- self-representation and cross-examination of victims 167–169

Designated Proceedings 40

- Crime Victim's Rights Fund assessment 25
- dispositional options 42

Developmentally Disabled Victim-Witnesses

- protections to allow testimony 160–167

Discovery

- defense counsel interview of victim 76
- exculpatory evidence 79
- privileged or confidential information or evidence 79–81
- prosecuting attorney's notes 78
- psychiatric evaluation of victim 76–77
- statements by victims 77–79, 82–84
- victim impact statements 84
- work-product privilege 81–82

Dismissal of Case

- notification of victim 115

Disposition Report

- disclosure to juvenile 245

Diversion

- assaultive crimes 38
- limitations on use 97–98

Domestic Violence 5–6

- expert testimony 177–180
- notification of services and rights 108
- release of accused 53, 54

Dying Declarations 191

E

Elderly Victims 6

Emergency Telephone Calls (911 Calls)

- admissibility of statements 183

Employers

- victim attendance at court proceedings 103

Escape

- LEIN 125
- notification of victim 124–125

Evidence

- retention of victim's property 102

Excited Utterances 183–185

Expert Testimony 175–177

- effects of battering 177–180
- effects of sexual assault 180–182

Extortion 69–70

F

Family Division of Circuit Court 39

Felony 39

- Crime Victim's Rights Fund assessment 25

Final Disposition 40

Freedom of Information Act

- access to victim identifying information 84–87, 132
- Crime Victim Services Commission 90

H

Hate and Bias Crimes 6

Hearsay 182–192

- corroboration of child's statement describing sexual act 189–190
- dying declarations 191
- excited utterances 183–185
- final judgment in criminal case 303
- present sense impressions 183
- statements by declarants made unavailable as witnesses by party's misconduct 191–192
- statements made for medical treatment or diagnosis 186–189
- statements of existing mental, emotional, or physical condition 185–186

Homicide

- hearsay 191
- psychological effects 4, 9

I

Interpreters 192–193

Intimidating Victim

- contempt of court 73–74
- criminal offenses 66–73
- fear within neighborhood or community 65
- notice of procedures 64
- revocation of release 64–65
- victim address and telephone number 63–64

J

Judge

- control of witness interrogation 160

Judgment of Sentence

- admissibility 303
- hearsay exception 303
- use in civil action 303–305

Juvenile 39

Juvenile Disposition 42

- conditions to protect victim 62
- Crime Victim's Rights Fund assessment 28

Juvenile Facility 43

Juvenile Offense 43

- Crime Victim's Rights Fund assessment 25, 27

Juvenile Proceedings 40–43

- automatic waiver 41, 43
- closing 89
- commitment review hearings 125–127
- designated proceeding 40
- informal dispositions 96–97
- required acceptance of petition 95–96
- traditional waiver 40, 43
- use of testimony in civil action 305

L

LEIN

- escape 125
- parole conditions 61
- pretrial release conditions 58
- probation conditions 61

M

Malicious Use of Telephone 72–73

Media Depictions of Offense

- escrow of profits 309–311

Michigan Crime Victim Notification Network 144–146

N

Nolo Contendere Pleas 304

Notification of Victim

- adjudication 115–119
- appeals 120–121
- arrest 107–108, 108–110
- automated notification 144–146
- boot camp 123
- commitment review hearings 125–127
- communicable disease testing 132–135
- commutation 129
- compensation 107–108, 112–114
- conviction 115–119
- court procedures 112–114
- current address and telephone number 131–132
- discharge of juvenile 127–128
- discharge of prisoner 129
- dismissal of case 115
- domestic violence 108
- earliest release date 122
- escape 124–125
- final disposition 119
- informal juvenile disposition 97, 111–112
- juvenile disposition 119
- juvenile's corrections status 121–122
- medical services 107–108
- name change 130–131
- pardon 129
- parole date 122
- parole review 128, 204
- parole violation 129
- pretrial release 108–110
- prisoner's corrections status 121–122
- release pending appeal 121
- reprieve 129
- response to threats or intimidation 112–114
- restitution for non-CVRA offenses 236
- rights 112–114
- schedule of court proceedings 114
- setting aside conviction or adjudication 131
- subsequent offense 129
- table summarizing requirements 136–143
- transfer of juvenile 123
- transfer of prisoner 123–124
- victim impact statements 115–119

O

Obstruction of Justice 66–69

Order of Adjudication

- admissibility 303
- use in civil action 300, 303–305

P

Pardon 208

Parole 202–208

- appeals by victim 204–208
- conditions to protect victim 61–62
- consideration of victim impact 202–203
- Crime Victim's Rights Fund assessment 28
- form to notify prisoner of appeal 209
- LEIN 61
- notification of earliest parole date 122
- notification of prosecuting attorney appeals 205
- notification of victim 128
- stay pending appeal 205–206
- victim impact statement 204

Person 44

Personal Protection Orders 301

Petition

- limitation on dismissal by court 95–96
- statement of damage or injury 110–111

Plea Bargains

- consultation with prosecuting attorney 92–93, 99
- restitution 233
- sentence bargains 93–95
- victim impact statements 84, 94–95

Plea Under Advisement

- limitations on use 97–98

Pleas

- nolo contendere 304
- use in civil action 304

Post-Traumatic Stress Disorder 3–4

Practice and Procedure in Courts 96–97

Preliminary Examinations

- closing 87–88

Present Sense Impressions 183

Presentence Investigation Report

- disclosure to offender 245

Prisoner 44

Privacy

- access to victim identifying information 84–87, 111, 132
- compensation proceedings 90
- confidential records 79
- media coverage of court proceedings 87
- privileges 79, 83–84
- visual representations of victims 86–87

Privilege Against Self-Incrimination

- civil actions 305–307

Probation

- conditions to protect victim 61–62
- Crime Victim's Rights Fund assessment 28
- LEIN 61

Property

- return of victim's property 101–102

Property Offenses

- threatening or intimidating victim 73

Prosecuting Attorney 44

- authority 100

Psychiatric Evaluation of Victim 76–77

Psychological Effects of Crime 3–7

- domestic violence 5–6
- elderly victims 6
- hate and bias crimes 6
- homicide 4, 9
- self-represented offender 10
- sexual assault 5, 10
- victim participation in court proceedings 2–3, 7–10

Public Trial

- closing juvenile delinquency hearings 89
- closing preliminary examinations 87–88
- closing trials 88–89
- media coverage 87

R

Rape Shield Statute 170–175

Records

- access to victim identifying information 84–87

Release of Accused

- appearance tickets 52–53
- conditions to protect victim 55–59
- duration of conditions 58
- interim bond 53–54
- juveniles 59–61
- LEIN 58
- notification of victim 107–108
- revocation 64–65
- violation of condition 58–59

Repressed Memories 298–300

Reprieve 208

Restitution

- ability to pay 240
- allocation of offender payments 258–261
- amendment of order 234
- amount required 240–241
- bankruptcy of offender 256–257
- bond 248
- burden of proof 246
- civil actions 241
- community service by juveniles 249
- compensatory nature 233, 235
- coordinating victim compensation 261
- course of conduct by offender 238–239
- deceased offender 233
- deceased victim 238, 243, 244–245
- determining amount of loss 245, 246
- employment of offender 249
- enforcement of order 255–256
- funeral expenses 244
- hearings 246, 247
- homemaking expenses 242–243
- imprisoned offender 252–254
- informal juvenile disposition 237
- insurance companies 239
- interest 241
- joint and several liability 241
- late claims 233–234
- lost income 242–243
- modification of order 248, 254–255
- narcotics enforcement teams 239
- offenses requiring restitution 43, 236
- parental liability 40, 247, 255
- parole condition 249–251
- parole revocation 251–252
- persons entitled to restitution 49, 237–240
- persons who compensate victim 239
- persons who provide services to victim 240
- physical injury 242–243
- plea bargains 233

- prisoner accounts 252–253
- prisoner lawsuit proceeds 253
- prisoner wages 254
- probation condition 249–251, 254
- probation revocation 251–252
- property forfeiture 248
- property offenses 241–242
- psychological injury 242–243
- reports by probation officers 245
- retroactive application 235
- reversal of conviction or adjudication 258
- review of payment 250–251
- serious bodily impairment 244–245
- services in lieu of money 249
- set offs 258, 307
- setting aside conviction or adjudication 257
- statutory authority 234–235
- tax deduction or credit 244
- time for making payment 240
- travelling expenses of victim 239
- triple restitution 244–245
- uncharged offenses 238
- unclaimed 28–29, 261
- wage assignment 250

Restorative Justice 11–13

S

Secondary Victimization 7

Self-Defense 170

Sentencing Guidelines

- consideration of victim impact 203–204

Separate Waiting Area 62–64

Sequestering Victim-Witnesses 157

Serious Misdemeanor 44–45

- Crime Victim's Rights Fund assessment 25–26

Setting Aside Conviction or Adjudication

- assaultive crimes 36–38
- effect on civil action 302
- effect on restitution 257
- notification of victim 131
- victim impact statement 209

Sexual Assault

- civil action by defendant 308
- expert testimony 180–182
- hearsay 183–185, 186–189, 189–190
- protections to allow testimony 161
- psychological effects 5, 10
- speedy or expedited trial 158

Son of Sam Law 309–311

Specified Misdemeanor 26–27

- Crime Victim’s Rights Fund assessment 25

Speedy or Expedited Trial 157–158

Stalking 70–72

Statements Made for Medical Treatment or Diagnosis 186–189

Statements of Existing Mental, Emotional, or Physical Condition 185–186

Statutes of Limitations

- tort actions 297–300

Support Persons 163–164

T

Threatening Victim

- contempt of court 73–74
- criminal offenses 66–73
- notice of procedures 64
- revocation of release 64–65
- victim address and telephone number 63–64

Tort Actions 296–297

- parental liability 300–301
- statutes of limitations 297–300

Trial

- spectator buttons 193–194

V

Victim 44, 46–49

- attendance at court proceedings 103
- charged with offense 48
- deceased or incapacitated 46–47
- direct or threatened harm 47–48
- incarcerated 48
- interview by defense counsel 76
- minor 46

Victim Impact Statements

- commitment review hearings 202
- content 199, 200
- disclosure to defendant 198
- discovery 84
- disposition report 197–199
- ex-parte communications 197, 201
- forms 211
- incarcerated victims 200
- letters to the court 201
- oral 200–201
- parole review 204
- presentence investigation report 197–199
- reprieves, commutations, and pardons 208–209
- sentence bargains 94–95
- sentencing or disposition 196–197
- setting aside conviction or adjudication 209
- third parties 201–202
- use following sentencing 199

Victim Representative 49

- attendance at court proceedings 103

Victim-Witness Assistants 2, 4, 6, 9, 11

- relationship to prosecuting attorney 82–83
- statements by victims 82–84

Videotaped Testimony 165–167

Violation of Victim’s Rights

- civil actions 18
- conflict with offender’s rights 17
- judicial grievance actions 23
- mandamus actions 21–22
- offender remedies 24, 116
- public disclosure 23
- resentencing offender 200–201
- superintending control actions 22–23
- victim appeals 18–21
- victim remedies 21–23

W

Work-Product Privilege

- prosecuting attorney 81–82
- victim-witness assistants 83